

prejudice a § 1983 action for failure to prosecute under Rule 41(b) of the Federal Rules of Civil Procedure where the plaintiff did not notify the court of his new address upon his release from jail). Litigants are also obligated to comply with Court orders. See generally Fed. R. Civ. P. 41(b) (district court may dismiss an action “[f]or failure of the plaintiff to prosecute.”). Before dismissing a case for failure to prosecute, a district court should weigh: “(1) the plaintiff’s degree of personal responsibility; (2) the amount of prejudice caused the defendant; (3) the presence of a drawn out history of deliberately proceeding in a dilatory fashion; and (4) the effectiveness of sanctions less drastic than dismissal.” Attkisson v. Holder, 925 F.3d 606, 625 (4th Cir. 2019) (quoting Hillig v. Comm’r of Internal Revenue, 916 F.2d 171, 174 (4th Cir. 1990)).


In addition, even though a *pro se* complaint is construed liberally, a plaintiff must clearly state his claim for relief such that the Court can determine if it has jurisdiction and venue, and further, plaintiffs proceeding *in forma pauperis* must adequately state a claim upon which relief can be granted before the case is allowed to proceed. See 28 U.S.C. § 1915; Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007); Ashcroft v. Iqbal, 556 U.S. 662 (2009); Fed. R. Civ. P. 8.

Plaintiff has failed to keep the Court apprised of his current address, he has now been released from SCDC custody, and it appears that he has abandoned this action. Further, the Complaint is so vague and conclusory that the Court is unable to determine whether it has venue, and whether Plaintiff has stated a § 1983 claim. Before dismissing this action for failure to prosecute, the Court will give Plaintiff **10 days** in which to notify the Court of his current address and file an Amended Complaint that states the claims with enough specificity for the Court to conduct an initial review for frivolity.

IT IS, THEREFORE, ORDERED that:

1. Plaintiff shall have **10 days** from service of this Order in which to notify the Court of his change in address and file an Amended Complaint.
2. The Clerk of Court is directed to mail this Order and a blank § 1983 Complaint form to Plaintiff's address of record.

Signed: September 23, 2019

A handwritten signature in black ink, appearing to read "Frank D. Whitney", written over a horizontal line.

Frank D. Whitney
Chief United States District Judge

